

[Counsel on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

Abdi Nazemian, et al.,
Plaintiffs,

vs.

NVIDIA Corporation,
Defendant.

Andre Dubus III, et al.,
Plaintiffs,

vs.

NVIDIA Corporation,
Defendant.

Case No. 4:24-cv-01454-JST (SK)
Case No. 4:24-cv-02655-JST (SK)

**PLAINTIFFS' MOTION TO APPOINT
INTERIM CO-LEAD CLASS COUNSEL
UNDER FED. R. CIV. P. 23(g)(3)**

Date: July 17, 2025
Time: 2:00 PM
Location: Zoom
Judge: Hon. Jon S. Tigar

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NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE that, on July 17, 2025, at 2:00 p.m., or as soon thereafter as this matter may be heard by Zoom video conference, Plaintiffs will, and hereby do, move the Court for an Order appointing Joseph Saveri from the Joseph Saveri Law Firm, LLP (“JSLF”), Justin Nelson from Susman Godfrey LLP (“SG”), and Bryan Clobes from Cafferty Clobes Meriwether & Sprengel LLP (“CCMS”) as Interim Co-Lead Class Counsel, with Anne Shaver of Lieff Cabraser Heimann & Bernstein, LLP (“LCHB”), Nada Djordjevic of DiCello Levitt LLP (“DL”), and Matthew Butterick, Esq. serving as the Plaintiffs’ Executive Committee.

Plaintiffs respectfully submit that the Court should appoint Messrs. Saveri, Nelson and Clobes as Interim Co-Lead Class Counsel, with Ms. Shaver, Ms. Djordjevic and Mr. Butterick as members of the Executive Committee, as they satisfy the requirements under Federal Rule of Civil Procedure 23(g) and shall fairly and adequately represent the interests of the class. Fed. R. Civ. P. 23(g)(4). JSLF, SG, and CCMS have each done significant work in investigating potential claims in the action; have successfully litigated the case through early discovery; possess unmatched experience in handling complex litigation of the type asserted in the action; have in-depth knowledge of the applicable law and the underlying facts; and possess sufficient resources to represent the class. *See* Fed. R. Civ. P. 23(g)(1)(A)(i)-(iv). They are further supported by LCHB, DL and Mr. Butterick, who themselves have significantly contributed to litigating this case, and are likewise very experienced in litigating similar cases currently pending in other courts. Together, the firms and lawyers included in Plaintiffs’ proposed leadership structure comprise an experienced and nimble team that will effectively and efficiently prosecute this case to a successful conclusion consistent with Rules 1 and 23 of the Federal Rules of Civil Procedure.

This Motion is based on this Notice, the accompanying Memorandum of Points and Authorities in Support of the Motion, and the concurrently filed declarations of Joseph R. Saveri, Justin Nelson, Bryan Clobes, Anne Shaver, and Nada Djordjevic.

MEMORANDUM OF LAW

Pursuant to Federal Rule of Civil Procedure 23(g)(3) and the Court’s Order Consolidating Cases, (ECF No. 144), Plaintiffs’ counsel jointly seek approval of a proposed leadership structure to streamline consolidation and litigation efforts.

I. INTRODUCTION

Plaintiffs jointly and unanimously propose a leadership structure comprised of three preeminent leaders in generative AI litigation. Joseph Saveri from the Joseph Saveri Law Firm, LLP (“JSLF”), Justin Nelson from Susman Godfrey LLP (“SG”), and Bryan Clobes from Cafferty Clobes Meriwether & Sprengel LLP (“CCMS”) who are best positioned to advance the case to and through summary judgment, class certification, and trial. All Plaintiff-firms agree that these three lawyers and firms should serve as Interim Co-Lead Class Counsel (“Co-Lead Counsel”). All other firms support this leadership structure, with each firm available and able to assist proposed Co-Lead Counsel to prosecute this action. Plaintiffs also propose that Anne Shaver of Lieff Cabraser Heimann & Bernstein. LLP (“LCHB”), Nada Djordjevic of Dicello Levitt, LLP (“DL”), and Matthew Butterick, Esq. serve as the Executive Committee. Plaintiffs’ proposal is supported by the established, strong, collaborative working relationships between counsel, and will enable a continuing, efficient and effective workflow and ensure that Plaintiffs will continue to speak with one voice throughout the remainder of this litigation.

Mr. Saveri and JSLF; Mr. Nelson and SG; and Mr. Clobes and CCMS; individually and together possess the unique combination of credentials and proven track record necessary to serve and promote the class’s best interests and efficiently advance this litigation in accordance with Rules 1 and 23 of the Federal Rules of Civil Procedure, and satisfy the requirements of Rule 23(g). The progress in this action to date has been made possible through their collective experience and stewardship. Each are pioneers in this emerging area of law, and collectively filed the first cases in the United States challenging the unauthorized use of copyrighted works in connection with generative AI models. And each has more than sufficient resources to handle this matter, having successfully led and prosecuted antitrust and other complex cases to resolution for decades, including collectively recovering tens of billions of dollars and groundbreaking programmatic and

1 other non-monetary relief in scores of successfully resolved complex MDL proceedings and other
 2 national class cases involving a wide-variety of claims, conduct, and industries.

3 Moreover, Messrs. Saveri, Nelson, and Clobes have the unanimous support of numerous
 4 experienced and qualified law firms and lawyers in this case. While each of the other law firms and
 5 counsel representing Plaintiffs is individually capable of leading this litigation, they unanimously
 6 support the appointment of Messrs. Saveri, Nelson, and Clobes as Co-Lead Counsel. Each of these
 7 firms is committed to continuing to contribute their respective resources and expertise to this action
 8 under the continued leadership of proposed Co-Lead Counsel.

9 The proposed Co-Lead Counsel—Mr. Saveri (JSLF), Mr. Nelson (SG), and Mr. Clobes
 10 (CCMS)—are leaders in the field of complex class action litigation involving generative AI models
 11 and, consistent with Federal Rule of Civil Procedure 23(g), are “best able to represent the interests
 12 of the class,” particularly given the effort, resources, unique and direct experience, and abilities that
 13 each brings to this action. Moreover, Ms. Shaver, Ms. Djordjevic, and Mr. Butterick, each of whom
 14 is well-qualified in generative AI litigation, support their appointment. Each of their respective
 15 firms has done significant work in investigating and litigating the claims in the action; has a depth
 16 of experience handling complex litigation of the type involved here; has intimate knowledge of the
 17 applicable law; and possess sufficient resources to help represent the class. *See* Fed. R. Civ. P.
 18 23(g)(1)(A)(i)-(iv). These firms’ collective experience and comprehensive understanding of this
 19 specialized area of the law will ensure vigorous and effective prosecution of this case.

20 **II. FACTUAL AND PROCEDURAL BACKGROUND**

21 **A. Current Allegations**

22 This Consolidated Action is comprised of two related class action lawsuits which have been
 23 consolidated: *Nazemian et al. v. NVIDIA Corp.*, No. 4:24-cv-01450-JST (“*Nazemian*”) and *Dubus*
 24 *et al. v. NVIDIA Corp. et al.*, No. 3:24-cv-02655 (“*Dubus*”). The current named plaintiffs in the
 25 *Nazemian* and *Dubus* actions are authors whose copyrighted work was taken from pirated websites,
 26 copied, and used by Defendant NVIDIA Corp. without their consent or permission, to train
 27 NVIDIA’s commercial large language models (“LLMs”). Plaintiffs bring copyright infringement
 28 claims against NVIDIA on behalf of all persons in the United States who own a registered United

1 States copyright in any work that was used to train NVIDIA’s LLMs.

2 **B. Relevant Procedural Background**

3 On March 8, 2024, the *Nazemian* Plaintiffs filed a class action complaint against NVIDIA,
4 initiating this groundbreaking and important litigation. ECF No. 1. On May 2, 2024, the *Dubus*
5 Plaintiffs filed a class action complaint against NVIDIA. *Dubus* Dkt. No. 1. The cases were related
6 on May 13, 2024. ECF No. 47.

7 Since then, the *Nazemian* and *Dubus* Plaintiffs coordinated and jointly served written
8 discovery and collaborated in negotiations regarding discovery and other obligations and other
9 aspects of the related litigation. Much work has already been done by Plaintiffs. They have
10 negotiated a protective order (ECF No. 59), ESI protocol (ECF No. 58), deposition protocol (ECF
11 No. 150) and negotiated ESI search terms. With respect to offensive discovery, Plaintiffs have
12 propounded eleven requests for productions and seventeen interrogatories, and handled all aspects
13 of related meet and confer discussions, with more written discovery to come. With respect to
14 defensive discovery, Plaintiffs have responded to eighteen requests for production, and will respond
15 to a further seven ESI discovery requests this Friday, June 13, 2025. To date, Plaintiffs have
16 produced 3,063 documents, while NVIDIA has produced 4,950 documents.

17 On April 29, 2025, NVIDIA moved for consolidation on grounds that the actions involve
18 common questions of fact and law and that consolidating them would conserve judicial resources
19 and avoid conflicting or inconsistent results, without prejudice or delay. ECF No. 135. The
20 *Nazemian* and *Dubus* Plaintiffs agreed to consolidation, which was then ordered by the Court on
21 May 13, 2025. ECF No. 144. Among other things, the Court ordered Plaintiffs to file a proposal for
22 the appointment of interim lead counsel by June 11, 2025. *Id.* at 2.

23 **III. ARGUMENT**

24 Federal Rule of Civil Procedure 23(g) authorizes courts to “designate interim counsel to act
25 on behalf of a putative class before determining whether to certify the actions as a class action.”
26 Fed. R. Civ. P. 23(g)(3); *see also Levitte v. Google, Inc.*, No. C 08-03369, 2009 WL 482252, at *2
27 (N.D. Cal. Feb. 25, 2009). “[D]esignation of interim counsel clarifies responsibility for protecting
28 the interests of the class during precertification activities, such as making and responding to

1 motions, conducting any necessary discovery, coordinating for class certification, and negotiating
 2 settlement.” MANUAL FOR COMPLEX LITIG., § 21.11 (4th ed. 2004); *see also Azpeitia v. Tesoro Ref.*
 3 *& Mktg. Co. LLC*, No. 17-CV-00123-JST, 2017 WL 4071368 (N.D. Cal. Sept. 14, 2017) (citing the
 4 same).

5 Rule 23(g)(1)(A) requires courts to consider four key factors in appointing class counsel:
 6 “(i) the work counsel has done in identifying or investigating potential claims in the action; (ii)
 7 counsel’s experience in handling class actions, other complex litigation, and the types of claims
 8 asserted in the action; (iii) counsel’s knowledge of the applicable law; and (iv) the resources that
 9 counsel will commit to representing the class.” Courts also look to these factors in designating
 10 interim class counsel. *See Parkinson v. Hyundai Motor Am.*, No. cv-06-345-AHS(MLGX), 2006
 11 WL 2289801, at *2 (C.D. Cal. Aug. 7, 2006) (“Rule 23(g) provides criteria to consider when
 12 appointing class counsel, without distinguishing interim counsel. Presumably, the same factors
 13 apply[.]”); *In re Lenovo Adware Litig.*, No. 15-md-02624, 2015 WL 10890657, at *1 n.1 (N.D. Cal.
 14 July 27, 2015) (“[T]he factors in [Rule 23(g)(1)(A)] are those a court must consider in appointing
 15 lead counsel, rather than interim lead counsel. However, courts have held that these same factors
 16 apply in . . . the selection of interim lead counsel.”). Courts may also consider “any other matter
 17 pertinent to counsel’s ability to fairly and adequately represent the interests of the class.” Fed. R.
 18 Civ. P. 23(g)(1)(B). Each Rule 23(g) factor supports the appointment of Messrs. Saveri, Nelson,
 19 and Clobes as Co-Lead Counsel, and Ms. Shaver, Ms. Djordjevic, and Mr. Butterick to serve on the
 20 Executive Committee to represent Plaintiffs and prosecute the Consolidated Action.

21 **A. Messrs. Saveri, Nelson and Clobes Should Be Appointed to Lead the**
 22 **Consolidated Action.**

23 **1. Proposed Co-Lead Counsel Have Effectively Advanced the**
 24 **Consolidated Cases.**

25 Since initiating this litigation, proposed Co-Lead Counsel have substantially advanced the
 26 litigation efficiently and effectively. They and the members of the proposed Executive Committee
 27 have all devoted substantial resources—both in time and money—to investigating the allegations of
 28 the consolidated cases, including (i) reviewing relevant studies and research papers related to the

operation of NVIDIA’s models and the datasets on which they were trained; (ii) analyzing the nascent body of case law surrounding copyright-AI litigation and tracking developments therein; (iii) keeping abreast of regulatory investigations into the use of AI by NVIDIA and the U.S. Copyright Office’s guidance on AI; and (iv) consulting experts with specialized knowledge in the fields of AI and intellectual property. *See* Saveri Decl., ¶ 6; Nelson Decl., ¶ 3; Clobes Decl., ¶ 4; Fed. R. Civ. P. 23(g)(1)(A)(i). These thorough and detailed pre-filing investigations led to the development of detailed factual and legal claims against NVIDIA.

What is more, proposed Co-Lead Counsel as well as the Executive Committee have all done extensive work prosecuting the potential claims alleged in the consolidated cases. They have done so as a team. *See* Saveri Decl., ¶ 8; Nelson Decl., ¶ 3; Clobes Decl., ¶ 5. These various factors weigh strongly in favor of their appointment. *See Azpeitia*, 2017 WL 4071368, at *3 (appointing firm that performed extensive work identifying and investigating potential claims as interim lead counsel, and other firms representing plaintiffs to an informal litigation committee “with the hours expended litigating the action to be distributed evenly between the firms.”).

2. Proposed Co-Lead Counsel Have the Class Action Experience and Knowledge Required to Prosecute the Consolidated Action.

a. Joseph Saveri of the Joseph Saveri Law Firm, LLP

JSLF is led by Joseph Saveri, its founder. Mr. Saveri has 35 years of experience in class action and other complex litigation, including leading dozens of multidistrict and other class actions. Saveri Decl. ¶ 4. Mr. Saveri is one of the most accomplished and respected attorneys in the country.¹ Mr. Saveri is recognized for his work in AI litigation in particular—he was included in Lawdragon’s inaugural list of Leading AI & Legal Tech Advisors and named by the California Daily Journal as one of the Top Artificial Intelligence Lawyers in California in 2024. As a result of his advocacy in AI-related cases, Mr. Saveri was also featured in 2024 by the Daily Journal as a Top Intellectual Property Lawyer. And this month, *Law360* recognized him as one of its prestigious

¹ For example, David Balto, former policy director at the FTC described Mr. Saveri as the “Michael Jordan of plaintiffs’ antitrust.” *See* Melissa Lipman, *Lieff Cabraser Antitrust Chief to Launch Own Firm*, LAW360 (May 1, 2012), *available at* <https://www.law360.com/articles/335937/lieff-cabraser-antitrust-chief-to-launch-own-firm>.

1 “Titans of the Plaintiffs Bar.” *Id.*, ¶ 3. Further, Mr. Saveri is rated an AV preeminent by LexisNexis
 2 Martindale-Hubbell and was ranked “Band 1” attorney by Chambers USA in its “Antitrust: Mostly
 3 Plaintiff” category and “Antitrust: Plaintiff” categories for many years. *Id.* At the direction of Mr.
 4 Saveri, JSLF in collaboration with Matthew Butterick, first investigated and researched NVIDIA’s
 5 unlawful conduct involving training AI language models on copyrighted works, and brought the
 6 *Nazemian* Action, the first lawsuit challenging NVIDIA’s unlawful practices.

7 JSLF’s track record of lead counsel appointments demonstrates its capabilities across
 8 diverse complex litigation matters. Representative examples include: *In re Capacitors Antitrust*
 9 *Litig.*, Case No. 17-md-02801-JD (N.D. Cal.); *In re Restasis Antitrust Litig.*, MDL No. 02819 (NG)
 10 (LB) (E.D.N.Y.); *In re High-Tech Emp. Antitrust Litig.*, No. 11-cv-2509 (N.D. Cal.); *In re Cipro*
 11 *Cases I and II*, JCCP Nos. 4154 and 4220 (Cal.); *In re Outpatient Med. Ctr. Emp. Antitrust Litig.*,
 12 No. 1:21-cv-00305 (E.D. Ill.); *In Re: Visa Debit Card Antitrust Litig.*, No. 1:24-cv-07435-JGK
 13 (S.D.N.Y.); *Jones v. Varsity Brands, LLC*, No. 2:20-cv-02892-SHL (W.D. Tenn.); and *Le v. Zuffa,*
 14 *LLC D/B/A Ultimate Fighting Championship*, No. 2:15-cv-01045-RFB (D. Nev.).

15 Beyond these appointments, JSLF has successfully tried numerous class actions and
 16 complex litigation matters to verdict. This extensive experience has resulted in multiple successful
 17 resolutions, including through antitrust trials, with Mr. Saveri and JSLF having obtained over \$5
 18 billion in recoveries for their clients.

19 ***b. Justin Nelson of Susman Godfrey LLP***

20 The Susman Godfrey team is led by Justin A. Nelson. Mr. Nelson, a member of the firm’s
 21 executive committee and a former law clerk to the Honorable Sandra Day O’Connor of the United
 22 States Supreme Court, recently represented Dominion Voting Systems against Fox News in helping
 23 secure the landmark \$787.5 million settlement arising from the latter’s defamatory news coverage
 24 claiming that Dominion’s voting machines were responsible for massive voter fraud during the
 25 2020 U.S. presidential election. Nelson Decl. ¶ 13. In 2024, Mr. Nelson was nominated for Litigator
 26 of the Year by *American Lawyer* and named one of the Hollywood Reporter’s “Hollywood’s Top
 27 100 Attorneys.” *Id.* In the Dominion litigation, Delaware Superior Court Judge Eric Davis
 28

1 remarked: “I have been on the bench since 2010 . . . I think this is the best lawyering I’ve had,
2 ever.” *Id.*

3 In the last two years, Mr. Nelson has been at the forefront of artificial intelligence class
4 litigation asserting copyright infringement and related claims arising from the development and use
5 of large language models. Most recently, the Court overseeing the multi-district litigation against
6 OpenAI and Microsoft appointed Mr. Nelson interim lead class counsel. *In Re OpenAI, Inc.,*
7 *Copyright Infringement Litigation*, No. 1:25-md-03143-SHS-OTW (S.D.N.Y. May 30, 2025), ECF
8 No. 83. Mr. Nelson has led the SG team (listed below) in numerous other AI class lawsuits,
9 including a lawsuit against Anthropic in this district before Judge William Alsup. Nelson Decl. ¶
10 13. In the action against Anthropic (co-prosecuted with LCHB), Mr. Nelson presented class
11 plaintiffs’ portion of the technology tutorial on January 30, 2025 and argued class plaintiffs’ motion
12 for class certification on May 15, 2025. Nelson Decl. ¶ 13. The class certification hearing transcript
13 is attached as Exhibit C to the Nelson Declaration for the Court’s reference.

14 The Susman Godfrey team is also led by partners Elisha Barron, Alejandra C. Salinas,
15 Jordan Connors, and Rohit Nath, each of whom have a long track-record of success in commercial
16 litigation generally and AI litigation specifically. Their recent wins include a \$1.6 billion trial
17 verdict (Ms. Barron), a \$32 million settlement on behalf of a class of telescope purchasers (Ms.
18 Salinas), a more than \$600 million settlement for victims of the Flint water crisis (Mr. Connors),
19 and a \$307.5 million settlement on behalf of a class of life insurance policy holders (Mr. Nath).
20 Nelson Decl. ¶¶ 14–17. In addition, the Susman Godfrey team includes associate J. Craig Smyer, a
21 former law clerk to Judge Christopher R. Cooper of the District of D.C. and Judge Debra Ann
22 Livingston of the Second Circuit, and Trevor Nystrom, a former law clerk to the Hon. Danielle J.
23 Forrest of the U.S. Court of Appeals for the Ninth Circuit. Nelson Decl. ¶¶ 18–19.

24 *c. Bryan Clobes of Cafferty Clobes Meriwether &*
25 *Sprengel LLP*

26 Bryan Clobes is a named partner at Cafferty Clobes Meriwether & Sprengel LLP, a national
27 firm which has specialized in complex class action litigation for over 30 years. Mr. Clobes joined
28 the firm six months after its formation, and after clerking on the U.S. District Court for the District

1 of New Jersey and the U.S. Court of Appeals for the Third Circuit and serving as national trial
 2 counsel at the Commodity Futures Trading Commission in Washington, D.C. For over the past
 3 twenty-five years, Mr. Clobes has achieved and maintained the highest rating, AV Plus, from
 4 Martindale-Hubbell, and been annually recognized as a “Super Lawyer.”

5 Mr. Clobes and his team are heavily involved in litigating and represent a host of
 6 international and national award-winning authors in a number of other cases in this and other
 7 districts against defendants Meta, OpenAI, and Databricks for misappropriating and illegally using
 8 their copyrighted works to train and develop their artificial intelligence large language models.
 9 *Kadrey, et al. v. Meta Platforms, Inc.* No. 3:23-cv-03417-VC (N.D. Cal.); *In re OpenAI ChatGPT*
 10 *Litig.* Master File No. 23-cv-3223-AMO (N.D. Cal.); *Makkai v. Databricks, Inc., No. 3:20-24-cv-*
 11 *02653* (N.D. Cal.).

12 Mr. Clobes has also been appointed and served as lead counsel in scores of the firm’s class
 13 cases covering all areas of the firm’s practice, and is nationally recognized as an expert in all
 14 aspects of antitrust, consumer, and privacy class action litigation. A few illustrative cases include:
 15 *In re Ins. Brokerage Antitrust Litig.*, MDL No. 1663 (D.N.J.) (served as co-lead counsel in an
 16 antitrust class case against dozens of national insurers and brokers resulting in settlements of almost
 17 \$300 million); *Kamakahi v. Am. Soc’y for Reprod. Med.*, No. 3:11-cv-01781 (N.D. Cal.)
 18 (proprietary antitrust case that successfully challenged egg donor compensation caps promulgated
 19 by two professional associations and achieved major industry reforms to protect donors from future
 20 caps); and *In re TriCor Indirect Purchaser Antitrust Litig.*, No. 05-360 (D. Del) (indirect purchaser
 21 antitrust case alleging unlawful monopolization of fenofibrate market resulting in a near \$100
 22 million settlement). Mr. Clobes has also represented a number of Fortune 100 companies and state
 23 attorneys’ general.

24 Last, Mr. Clobes and the firm currently serve as Lead Counsel in a number of other national
 25 class actions, including, for example, *In re: Consumer Vehicle Driving Data Tracking Collection*,
 26 No. 1:24-md-3115-TWT (N.D. Ga.) (Mr. Clobes and the firm currently serving as Co-Lead
 27 Counsel) and *In Re Cattle and Beef Antitrust Litig.*, Civil No. 22-MD-0301 (JRT/JFD) (firm also
 28 currently serving as Co-Lead Counsel).

1
2 **3. The Proposed Members of Executive Committee Have the**
3 **Class Action Experience and Knowledge Required to Help**
4 **Effectively Prosecute the Consolidated Action**

5 *a. Anne Shaver of Lieff Cabraser Heimann &*
6 *Bernstein, LLP*

7 Anne Shaver is a partner at Lieff Cabraser Heimann & Bernstein, LLP (“LCHB”) with over
8 fifteen years’ experience litigating complex class actions. Declaration of Anne Shaver In Support of
9 Motion for Interim Leadership (“Shaver Decl.”), ¶¶ 1, 5. LCHB is well qualified to serve as a
10 member of the Executive Committee here by virtue of its experience in AI copyright cases like this
11 one, as well as its long history of prosecuting complex class actions against the most well-resourced
12 corporations in the world.

13 First, LCHB has substantial experience litigating class copyright cases against AI
14 companies. It serves as counsel for the proposed classes in *In re: OpenAI, Inc. Copyright*
15 *Infringement Litig.*, 25-md-03143-SHS (S.D.N.Y.); *Bartz et. al. v. Anthropic PBC*, 24-cv-05417-
16 WHA (N.D. Cal.); *Kadrey et. al. v. Meta Platforms, Inc.*, 23-cv-03417-VC (N.D. Cal.), and *In re*
17 *Mosaic LLM Litig.*, 24-cv-01451-CRB (N.D. Cal.). Shaver Decl., ¶ 3. In its roles in *Open AI*, *Bartz*,
18 *Kadrey*, and *Mosaic*, LCHB has worked collaboratively with JSLF, SG, CCMS, DL, and Matthew
19 Butterick. *Id.* In both *Kadrey* and *Bartz*, motions for summary judgment on fair use are already fully
20 briefed and submitted, with LCHB having undertaken significant work including preparation of
21 technical and economic experts, strategy, depositions, briefing, and hearing preparations and oral
22 arguments. *Id.*

23 Second, LCHB has a proven track record of successfully litigating major, cutting edge
24 matters where the firm served in leadership positions. These include: *In re High-Tech Emp.*
25 *Antitrust Litig.*, 11-cv-2509 (N.D. Cal.) (Shaver on co-lead team securing \$425 million settlement
26 for novel antitrust claims widely recognized as a legal and public policy breakthrough); *Chen-Oster*
27 *v. Goldman Sachs*, 10-cv-6950 (S.D.N.Y.) (Shaver on co-lead team obtaining \$215 million class
28 settlement, along with programmatic relief, for plaintiffs in a gender discrimination class action
lawsuit); *Ellis v. Google LLC*, No. CGC-17-561299 (Cal. Sup. Ct.) (Shaver on co-lead team

obtaining \$118 million settlement for class claims of gender discrimination); *City and County of San Francisco et al. v. Purdue Pharma L.P. et al.*, No. 18-cv-07591 (N.D. Cal.) (Lief Cabraser prevailed over Walgreens in a landmark bench trial, which helped precipitate a \$14 billion national settlement of the opioids litigation by chain pharmacies; Lief Cabraser also serves as lead counsel in other Opioids related litigation); *In re Juul Labs Mktg. Sales Practices & Prods. Liab. Litig.* 20-cv-8177 (N.D. Cal.) (nationwide multidistrict litigation regarding the Juul electronic-cigarette, securing over \$2.5 billion in settlements for plaintiffs and class members). A summary of LCHB's extensive and varied cases, including past successes and active matters, is attached to the Shaver Declaration as Exhibit A.

Anne Shaver is a 2007 graduate of the University of California, Berkeley School of Law, Order of the Coif. Shaver Decl., ¶ 5. Prior to joining LCHB, she served as a law clerk to Honorable Betty Fletcher, U.S. Court of Appeal for the Ninth Circuit. *Id.* She has been recognized as a Rising Star for Northern California (*Super Lawyers*) every year since 2013; was named as a "Top Labor & Employment Lawyer" by the Daily Journal in 2018-2020, 2022-2023, and 2025; was selected for the "40 & Under Hot List" by Benchmark Litigation in 2018, 2019, and 2020; was named to Lawdragon's "500 Leading Plaintiff Financial Lawyers in America" in 2024 and 2025; "500 Leading Plaintiff Employment & Civil Rights Lawyers in America," 2018-2022; and was selected for inclusion by her peers in The Best Lawyers in America in the field of "Employment Law-Individuals" in 2021, 2022, and 2023. *Id.* Finally, she was twice awarded the American Antitrust Institute's prestigious "Outstanding Private Practice Antitrust Achievement" award for her work on the wage suppression cases, *Seaman v. Duke*, 15-cv-00462 (M.D.N.C.), in 2019, and *Deslandes v. McDonald's*, 17-cv-04857 (N.D. Ill.), in 2024. *Id.* Ms. Shaver will be supported by LCHB associates with experience in similar cases, as well as her partner Rachel Geman, who is the lead attorney for LCHB litigating the *Kadrey* and *Anthropic* cases noted above, and has a background in complex technology cases. Shaver Decl., ¶ 6.

b. Nada Djordjevic of Dicello Levitt LLP

Nada Djordjevic is a Partner in the Privacy, Technology, and Cybersecurity group at DiCello Levitt LLP. Djordjevic Decl. ¶ 2. DiCello Levitt has achieved top recognition as *ALM* and The

1 *National Law Journal's* 2023 Plaintiffs Firm of the Year and 2023 Trial Innovation Firm of the Year.
 2 *Id.* ¶ 3. The firm's Privacy, Technology, an Cybersecurity group was named *Law360's* Cybersecurity
 3 Practice Group of the Year for three years in a row; and Ms. Djordjevic was named one of
 4 Lawdragon's 500 Leading Global Cyber Lawyers for 2025. *Id.* ¶ 4.

5 With over twenty years of complex litigation experience, fifteen of which she has spent both
 6 defending and prosecuting class actions throughout the United States, Ms. Djordjevic has the
 7 experience to successfully move this case forward as part of the Executive Committee. *Id.* ¶ 5.

8 Ms. Djordjevic is currently representing authors in cases similar to this one against Meta
 9 Platforms, Inc., Bloomberg, L.P. and Bloomberg Finance, L.P. See, *Kadrey, et al v. Meta Platforms,*
 10 *Inc.*, No. 3:23-cv-03417-VC (N.D. Cal.); and *Huckabee v. Bloomberg L.P.*, Case No. 1:23-cv-
 11 09152-MMG (S.D.N.Y.). *Id.* ¶ 6. Ms. Djordjevic was previously appointed as Co-Lead Class
 12 Counsel in *Williams v. Linerock Investments, Ltd.*, Case No. 1:22-cv-02531 (N.D. Ill.) (ongoing
 13 case alleging violations of the Illinois Biometric Information Privacy Act) and *Kurowski v. Rush*
 14 *Univ. Sys. for Health*, Case No. 22 C 5380 (N.D. Ill.) (Rule 23(b)(2) settlement class certified and
 15 class received significant injunctive relief, including the removal of all tracking technology from
 16 the patient portal). *Id.* ¶ 7. Ms. Djordjevic also served as the Damages Expert Chair on the
 17 Executive Committee in *In re: Samsung Customer Data Sec. Breach Litig.*, Case No. 1:23-md-
 18 03055 (D. N.J.). *Id.*

19 **c. Matthew Butterick**

20 Matthew Butterick, along with Joseph Saveri and JSLF, is one of the primary architects of
 21 the first wave of AI copyright cases, including the underlying *Nazemian* Action, the first-filed case.
 22 Mr. Butterick and JSLF were the first to challenge the legality of generative AI systems by filing a
 23 set of seven groundbreaking cases, which has also included cases against GitHub, Google, Meta,
 24 Databricks, Midjourney, and others. Mr. Butterick and JSLF conducted research into these systems,
 25 developed theories of liability, and crafted discovery techniques, many of which have since been
 26 more widely adopted.

27 Mr. Butterick has also been a professional author, typographic designer, and software
 28 programmer for over thirty years, whose works include a paperback about typographic design

(Typography for Lawyers), a digital-font library (mbtype.com), and an open-source web-publishing system. But like so many other authors, artists, and programmers, Mr. Butterick's works were copied for the training datasets of commercial generative-AI systems without consent, credit, or compensation, which is what provided the initial impetus to start these cases with JSLF: As such, Mr. Butterick would be a strong advocate on the Executive Committee for the Plaintiffs and members of the class.

4. Proposed Co-Lead Counsel Will Commit Ample Resources to Prosecute the Consolidated Action Efficiently.

As demonstrated by the substantial volume of work already done and out of pocket costs expended to date, proposed Co-Lead Counsel and the Executive Committee have the resources needed to effectively and efficiently prosecute this action in the best interests of the proposed class. *See* Fed. R. Civ. P. 23(g)(1)(A)(iv). Together, the firms are ably staffed with highly-qualified and experienced attorneys, investigators, paralegals and professional staff required to successfully prosecute this case. Proposed Co-Lead Counsel and the Executive Committee have support staff, document review attorneys, and in-house e-discovery/trial-technology professionals to support them in litigating this matter effectively and efficiently.

Proposed Co-Lead Counsel and the Executive Committee have the resources both human and financial to prosecute this case to completion. They have repeatedly demonstrated the ability and willingness to dedicate substantial resources to pursuing class claims and will do so again here.

At the same time, proposed Co-Lead Counsel and the Executive Committee are committed to litigating this case both efficiently and economically. Proposed Co-Lead Counsel have the unique advantage of being among the few firms in the nation (let alone the world) leading a number of similar actions against generative AI companies. They will leverage their experience and background in these similar cases to streamline the litigation for the class's benefit. Proposed Co-Lead Counsel and the Executive Committee are well-versed in using case management strategies to efficiently focus litigation, including appropriate staffing of litigation tasks to those attorneys and firm(s) best suited to the particular task(s) at hand, regular meetings to ensure that assigned work

1 tasks are being properly attended to, well-executed, and completed with efficiency, and
 2 implementation of strict time-keeping and expense billing protocols to ensure that all professional
 3 time associated with this Consolidated Action is of the highest quality and effectiveness.

4 **5. Proposed Co-Lead Counsel and the Executive Committee Have Shown**
 5 **the Ability to Work Together Cooperatively and Coordinate Efficiently.**

6 Proposed Co-Lead Counsel and the Executive Committee have the ability and willingness to
 7 work cooperatively together, with counsel for NVIDIA—as evidenced by the joint stipulation with
 8 proposed order for protective order (ECF No. 59), ESI protocol (ECF No. 58), and deposition
 9 protocol (ECF No. 150). Proposed Co-Lead Counsel and the Executive Committee understand that
 10 professional and courteous relations amongst joint counsel, as well as between opposing counsel,
 11 are essential to the effective conduct and management of complex litigation such as this one. As
 12 further evidenced by this joint (and unanimous) proposal, Proposed Co-Lead Counsel and the
 13 Executive Committee have already demonstrated a willingness and ability to work cooperatively in
 14 litigating this consolidated action.

15 The proposed leadership structure is ideally suited to the particular circumstances of these
 16 cases, which will require a team of dedicated lawyers and sufficient resources to pursue litigation
 17 against a sophisticated, extremely well-funded and represented big tech Defendant.

18 Proposed Co-Lead Counsel and the Executive Committee are well established, reputable,
 19 and have shown that they can work together collaboratively and efficiently, handling the challenges
 20 of this litigation and committing the necessary resources to represent the class. Proposed Co-Lead
 21 Counsel remain committed to fostering collaboration and cooperation with all class counsel,
 22 regardless of the Court’s appointment decision.

23 **IV. CONCLUSION**

24 For the foregoing reasons, Plaintiffs respectfully request that the Court appoint Joseph
 25 Saveri from the Joseph Saveri Law Firm, LLP, Justin Nelson from Susman Godfrey LLP, and
 26 Bryan Clobes from Cafferty Clobes Meriwether & Sprengel LLP as Interim Co-Lead Class
 27 Counsel, with Anne Shaver of Lieff Cabraser Heimann & Bernstein, LLP, Nada Djordjevic of
 28

1 DiCello Levitt LLP, and Matthew Butterick, Esq. appointed to serve as the Plaintiffs' Executive
2 Committee.

3
4 Dated: June 11, 2025

Respectfully submitted,

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